

## RACING AND GAMING COMMISSION[491]

### Notice of Intended Action

#### **Proposing rule making related to racing and gaming and providing an opportunity for public comment**

The Racing and Gaming Commission hereby proposes to amend Chapter 5, “Track, Gambling Structure, and Excursion Gambling Boat Licensees’ Responsibilities,” Chapter 7, “Greyhound Racing,” Chapter 8, “Pari-Mutuel Wagering, Simulcasting and Advance Deposit Wagering,” Chapter 10, “Thoroughbred and Quarter Horse Racing,” Chapter 11, “Gambling Games,” and Chapter 12, “Accounting and Cash Control,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapters 99D and 99F.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 99D and 99F.

#### *Purpose and Summary*

Item 1 updates the manner of notification for incident reports.

Item 2 removes the reference to the surveillance department procedure manual that is replaced by a maintenance plan as described in the paragraph below summarizing Item 16.

Item 3 removes the prohibition on certain types of entries.

Item 4 clarifies the simulcast wagering transmission requirement.

Item 5 allows for certain types of stewards’ decisions to be appealed.

Item 6 allows for digitally stamped papers.

Items 7, 10, and 11 clarify other allowable horse identifiers.

Item 8 updates the clerk of scales reporting requirements.

Item 9 clarifies the record-keeping requirement related to equine infectious anemia (EIA) test results.

Item 12 allows for digital stamping of Iowa-foaled horse certificates.

Item 13 clarifies when a horse may be entered in a race after being claimed.

Item 14 clarifies racing silk requirements.

Item 15 allows for mechanical devices to accept more than one coin, chip or token with authorization.

Item 16 specifies what is included in a surveillance maintenance plan.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on January 7, 2020. Comments should be directed to:

Barb Blake  
Iowa Racing and Gaming Commission  
1300 Des Moines Street  
Des Moines, Iowa 50309  
Email: [barb.blake@iowa.gov](mailto:barb.blake@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 7, 2020  
9 a.m.

Commission Office, Suite 100  
1300 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 5.4(5) as follows:

**5.4(5) Security force.**

*a.* and *b.* No change.

*c. Incident reports.* The licensee shall be required to file a written report, within 72 hours, detailing any incident in which an employee or patron is detected violating a provision of Iowa Code chapter 99D or 99F, a commission rule or order, or internal controls; or is removed for reasons specified under paragraph 5.4(5) "*b.*" In addition to the written report, the licensee shall provide immediate notification to the commission and DCI representatives on duty or, if representatives are not on duty, provide notification ~~on each office's messaging system~~ in a manner previously agreed upon by the representatives if the incident involved employee theft, criminal activity, Iowa Code chapter 99D or 99F violations, or gaming receipts.

*d.* No change.

ITEM 2. Amend paragraphs **5.4(7)"d"** and **"e"** as follows:

~~*d.* A surveillance department shall develop a standard operating procedure manual, which shall include surveillance system maintenance and emergency plans. This manual shall be made available for inspection by the commission and DCI.~~

*e. d.* A facility may include capabilities within the surveillance system for video recording of other areas of a facility and grounds, provided that commission and DCI access is unrestricted.

ITEM 3. Amend subrule 7.7(14) as follows:

**7.7(14)** No trainer or owner shall have more than two greyhounds in any race except in stakes or sweepstakes races. No double entries shall be allowed until all single interests eligible for the performance are used and double entries shall be uncoupled for wagering purposes. ~~Double entries shall be prohibited in all twin trifecta and tri-super races.~~

ITEM 4. Amend subrule 8.4(1) as follows:

**8.4(1)** *General.*

a. No change.

b. *Transmission.* The method used to transmit sales transaction and data including, but not limited to, the odds, will pay, race results, and payoff prices must be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory. If the method relies on Internet service to transmit, a backup Internet service shall be used in the event of transmission failure until all transactions are completed for the day.

c. and d. No change.

ITEM 5. Amend subparagraph **10.4(4)“a”(6)** as follows:

(6) General enforcement provisions. Stewards shall enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of racing apply equally during periods of racing. They supersede the conditions of a race and the regulations of a racing meet and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the facility. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final. ~~A decision by the stewards regarding a disqualification of a horse due to a foul, interference, or a riding infraction may not be appealed.~~

ITEM 6. Amend subparagraph **10.4(5)“g”(5)** as follows:

(5) Iowa-foaled horse allowance. Iowa-foaled horses that are properly registered and whose papers are stamped, physically or digitally, by the Iowa department of agriculture and land stewardship shall be allowed an additional three pounds beyond the stated conditions of the race if the race is not limited to Iowa-foaled horses. This allowance does not apply to stakes races.

ITEM 7. Amend subrule 10.4(7) as follows:

**10.4(7)** *Horse identifier.* The horse identifier shall:

a. and b. No change.

c. Examine every starter in the paddock for sex, color, markings, ~~and~~ microchip, lip tattoo, or digital tattoo for comparison with its registration certificate to verify the horse's identity;

d. Supervise the tattooing, digital tattooing, microchipping or branding for identification of any horse located on facility premises; and

e. No change.

ITEM 8. Amend subrule 10.4(13) as follows:

**10.4(13)** *Clerk of scales.* The clerk of scales shall:

a. to f. No change.

g. Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; ~~and~~

h. Assume the duties of the jockey room custodian in the absence of such employee; and

i. Promptly report to the stewards any infraction of the rules with respect to riding equipment, safety equipment, riding crops, or conduct.

ITEM 9. Amend subparagraph **10.5(1)“a”(12)** as follows:

(12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the foal certificate or otherwise accessible by the commission or racing association.

ITEM 10. Amend subparagraph **10.6(1)“a”(2)** as follows:

(2) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered microchip, or altered lip or digital tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency.

ITEM 11. Amend paragraph **10.6(1)“b”** as follows:

*b.* A horse is ineligible to start a race when:

(1) No change.

(2) The horse’s breed registration certificate is not on file, physically or digitally, with the racing secretary, or horse identifier, except where the racing secretary has submitted the certificate to the breed registry for correction or transfer of ownership. The stewards may, in their discretion, waive the requirement provided the registration certificate is in the possession of another board of stewards, a copy of the registration certificate is on file with the racing secretary, and the horse is otherwise properly identified. For claiming races, if the claimed horse has been approved by the stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the racing office within seven business days for transfer to the new owner before claiming funds will be approved for transfer by the stewards.

(3) The horse is not fully identified by an official tattoo on the inside of the upper lip or digital tattoo or microchip.

(4) No change.

(5) No current negative Coggins test or current negative equine infectious anemia test certificate is attached to the horse’s registration certificate or otherwise accessible by the commission or racing association.

(6) to (15) No change.

ITEM 12. Amend subrule 10.6(2) as follows:

**10.6(2) Entries.**

*a. to e.* No change.

*f.* Consecutive days. No horse shall be run ~~on two~~ twice within five consecutive calendar days.

*g. to j.* No change.

*k.* Registration certificate to reflect correct ownership. Every breed registry foal certificate filed physically or digitally with the racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of the horse. The name of the owner that is printed on the official program for the horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered with the commission for the owner or ownership.

*l. and m.* No change.

*n.* Iowa-foaled horse. An Iowa-foaled horse shall not be entered in a race limited to Iowa-foaled horses unless the horse is registered with and the papers are either physically or digitally stamped by the department of agriculture and land stewardship. An Iowa-foaled horse would be allowed to run in an open race without the stamp, but would be ineligible for Iowa-bred supplement, Iowa-bred breeders awards and Iowa-bred breeders supplement.

ITEM 13. Amend subparagraph **10.6(18)“f”(2)** as follows:

(2) Eligibility price. A horse ~~that is declared the official winner in the race in which it is claimed~~ may not start in a race in which the claiming price is less than the amount for which it was claimed. ~~After the first start back or 30 days, whichever occurs first, a horse may start for any claiming price. A horse which is not the official winner in the race in which it is claimed may start for any claiming price.~~ This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper or for starter allowances. No right, title, or interest for any claimed horse shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count, but the following calendar day shall be the first day.

ITEM 14. Amend subrule 10.6(11) as follows:

**10.6(11) Racing numbers and silks.**

*a.* and *b.* No change.

*c. Racing silks.* Racing silks shall be turned into the racing office or jockey room custodian upon arrival to the facility.

(1) All horses running in a race are required to race in an owner's silk or trainer's silk.

(2) In the case of a partnership, the horse shall run with a managing partner's silk or a trainer's silk, if no partnership silk is available.

(3) Under special circumstances, a horse may be permitted by the stewards to run in a house silk.

ITEM 15. Amend paragraph **11.5(5)“b”** as follows:

*b.* Devices shall accept no more than one coin, token or chip per play, unless otherwise authorized by the administrator.

ITEM 16. Amend subrule 12.3(1) as follows:

**12.3(1)** Each facility shall submit a description of internal controls to the commission. The submission shall be made at least 90 days before gaming operations are to commence unless otherwise directed by the administrator. The submission shall include and provide for the following:

*a.* to *d.* No change.

*e.* Surveillance internal controls that include:

(1) and (2) No change.

(3) A system maintenance plan that includes management of:

1. Installations, changes, movements, and malfunctions;

2. A log of available and completed system upgrades, updates, and patches, including descriptions;

3. Universal power supply (UPS) capability, live video and recording redundancies;

4. Electrical outages, emergency evacuation, providing alternative coverage of dedicated areas for DCI approval; and

5. Job descriptions and training of employees responsible for system maintenance, and any external maintenance agreements.

*f.* and *g.* No change.